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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,789	12/01/2003	Ichiro Futohashi	51270-307071	1910

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EXAMINER

CHAN, RICHARD

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/724,789

Applicant(s)

FUTOHASHI, ICHIRO

Examiner

Richard Chan

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/03/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 1-5 is rejected under 35 U.S.C. 102(a) as being anticipated by Ichihashi (GB 2,353,442 A).

With respect to claim 1, Ichihashi discloses the telecommunication terminal apparatus capable of giving a notification using a melody, comprising: storage means **113** capable of storing musical composition data in which a plurality of starting points suitable for starting performance are set **page 6 line1**; point register means **113** for storing information indicative of an arbitrary performance starting position of the musical composition data; and musical tone-generating means **112 page 5 lines 25-28** responsive to an instruction for starting the notification using the melody, for reading out the musical composition data from said storage means and for reproducing the readout musical composition according to the information indicative of the performance starting position, stored in said point register means, to thereby start generating the melody from the arbitrary performance starting position of the musical composition data.

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With respect to claim 2, Ichihashi discloses the telecommunication terminal apparatus according to claim 1, Ichihashi continues to disclose wherein said musical tone-generating 112 means is responsive to an instruction for ending the notification using the melody, for stopping reproducing the musical composition data and for writing information indicative of a reproduction stop position of the musical composition data having been reproduced and a starting point corresponding to a position closest to the reproduction stop position among the plurality of starting points into said point register means. ( **page7 and 8**) The stop position is interpreted as the end pointer of the memory block containing the musical data.

With respect to claim 3, Ichihashi discloses the telecommunication terminal apparatus according to claim 1, wherein said musical tone-generating means **112** is responsive to an instruction for ending the notification using the melody, for stopping reproducing the musical composition data and for writing information indicative of a reproduction stop position of the musical composition data having been reproduced and a starting point corresponding to a rear position closest to the reproduction stop position among the plurality of starting points into said point register means. ( **page 7 and 8**) The rear position is interpreted as the end pointer location of the memory blocking containing the musical composition data.

With respect to claim 4. Ichihashi discloses the telecommunication terminal apparatus according to claim 1, wherein said musical tone-generating means 112 is responsive to

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the instruction for starting the notification using the melody, for generating the melody from a starting point corresponding to a rear position closest to the performance starting position stored in said point register means among the plurality of starting points. ( **page 7 and 8**) The rear position is interpreted as the end pointer location of the memory blocking containing the musical composition data.

With respect to claim 5, Ichihashi discloses the telecommunication terminal apparatus according to claim 1, wherein one starting point can be selected from among the plurality of starting points, and the selected one starting point is written as the performance starting position into said point register means. (**page 7 lines 18-23**)

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Lee reference (US 6,418,330) discloses a device and method for generating various ring tones in radio terminal.

The Hoopes reference (US 6,058,171) discloses a unique ring caller ID.

The Ito reference (US 6,597,928) discloses a portable telephone maraca which produces musical tones in synchronization of the swings and vibrations.

The Kyrpmlahti reference (US 5,452,354) discloses a tinging tone apparatus.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chan whose telephone number is (571) 272-0570. The examiner can normally be reached on Mon - Fri (9AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard Chan  
Examiner  
Art Unit 2685  
03/14/06

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**